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United States Patent and Trademark Office
THE BOARD OF PATENT APPEALS
AND INTERFERENCES
P.O. Box 1450
Alexandria, Virginia 22313-1450
Re: Application #10/037,548. Art Unit 1744.
Examiner's errors in citation
and interpretation of prior art

October 07, 2005

To whom it may concern:

On receiving a copy of the examiner's letter to the Appellant's Brief sent before the Board of Patent Appeals and Interferences, I would like to attract your attention to the fact that the letter contains some erroneous citations and misinterpretation of the previous art. Even if done not on purpose, they may create an illusion of a just rejection. That is why I would like to give the board examples of at least some of such errors.

1. One of the major advantages of my invention is completely hermetic sealing of the inner chamber of the roller cage that is extremely important for this tool and that was never neither claimed, nor achieved in the previous art. This is achieved via Claims 1, 2, and 3.

On Page 3 of the letter the examiner states that "Claims 1 - 3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Thackara (USPN 2766473)... There are two resilient integral washes (17, 26) adjacent to the inner and outer faces to ensure a tight fit." In Thackara's patent 17, 26 are not presented as washers. They are annular rings having a plurality of slots 18 and 27 therein. The final target of Thackara's patent is "...to prevent sleeve 14 axial movement thereof towards the right and left in Fig. 1." (see 20 - 40, write column).

2. The examiner also writes that Claims 1 - 4, 6, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Newman (USPN 3745624) and that, in particular, Newman teaches about a hook located on the handle portion that is closest to the roller sleeve. This is absolutely wrong. Newman's patent does not even have any mentioning of a hook, as well as any mentioning of sealing and replacement of worn parts.

3. Claims 1 - 4, 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Dezen (USPN 4467509). On Page 5 the examiner writes that "There are two resilient integral washes (46, 48) adjacent to the inner and outer faces to ensure a tight fit." This is completely wrong. According to Dezen, "...core 24 can be tightly trapped between and sealed against the annual faces (46, 48) on the inner end member 36 and the end cap 42."

The examiner also states that additionally "...there are other washers (62, 74) adjacent the outer and bearing portion to further prevent leakage." This is also wrong. 62 and 74 are indeed two washers. However, 62, according to Dezen, "is interposed between the circlip 60 and the web 54 of member 36." Though its purpose was not explicitly defined, it cannot prevent paint leakage and Dezen does not state this. Apparently, this is an ordinary

metal washer that ensures smooth rotation of the roller cage. Dezen also teaches about "a circlip 72 similar to circlip 60 which locates against the inner end of member 40 with the interposition of a washer 74". So, the washer 74 has the same function as 62: ensuring smooth rotation of the roller cage. Moreover, there is no danger of paint leakage where this washer is located.

This is different from the washer that was presented in my Claim 3: "...said bearing portion further comprises a washer to prevent leaks inside the roller cage assembly along the shaft through said opening in the bearing portion." Dezen's invention, unlike my Claims 1 - 3 and 6, does not target hermetic sealing of the inner chamber of the roller cage and ease of disassembled for maintenance and replacement of worn parts.

These examples show that the examiner's statements about the prior art do not correspond to the wording of the patents and the intentions of the inventors. I hope that your decision will be based on comparing of the original versions of these patents to my claims. In this way you will get a clear vision of their distinctions and agree that my invention is completely original. It is also workable, that could be proved by the working samples developed in accordance with my claims.

Sincerely,

Lev Korenevsky

OK 211-513-8300